UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/894,446	06/28/2001	Pleyer Sven	03797.00042	5196

28319	7590	09/28/2005

BANNER & WITCOFF LTD.,
ATTORNEYS FOR MICROSOFT
1001 G STREET , N.W.
ELEVENTH STREET
WASHINGTON, DC 20001-4597

EXAMINER
CARDONE, JASON D

ART UNIT	PAPER NUMBER
2145	

DATE MAILED: 09/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)
Office Action Summary	09/894,446	SVEN ET AL.
	Examiner	Art Unit
	Jason D. Cardone	2145

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *13 June 2005*.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-6,8-14,19-26,28 and 30-34* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-6,8-14,19-26,28 and 30-34* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

1.   This action is responsive to the remarks of the applicant, filed on 6/13/05. Claims

1-6, 8-14, 19-26, 28 and 30-34 are presented for further prosecution.

2.   Examiner has given full faith and credit to the search and action of the previous

examiner of this case.

Claim Rejections - 35 USC § 103

3.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4.   Claims 1-6, 8, 9, 1 1-13, 19-26, 28, and 31-33 are rejected under 35 U.S.C.

103(a) as being unpatentable over Foley et al. ("Foley"), USPN 6,487,590 in view of

Inoue, USPN 6,339,790.

5.   Regarding claim 1, Foley teaches a control management system for software

controllable devices comprising: communication network (figure 1), a plurality of

software controllable devices coupled to the network wherein each software controllable

device has at least one property to be controlled and wherein each software controllable

device has an associated control object that exposes the properties of the device to be

exposed (column 1, lines 39-44 and column 3, lines 19-33); at least one client

operatively coupled to the network and having a user interface, the client being capable

of changing a value of a property of at least one device via the network (column 3, lines 28-35);

an event manager coupled to the network and having stored the property values of each device and the properties to which the client subscribed (column 3, lines 35-40 and column 2, lines 55-59); wherein the event manager when polled by the client provides the client with an update of any changes to the properties to which the client has subscribed (column 2, lines 55-59., column 3, lines 35-40). Although the system disclosed by Foley shows substantial features of the claimed invention, it fails to disclose means wherein the event manager has a client time stamp indicating when the client last queried the event manager for property change information. Nonetheless, these features are well known in the art and it would have been an obvious modification of the system disclosed by Foley as evidenced by Inoue. In an analogous art, Inoue discloses a system for receiving management information on a network wherein the event manager has a client time stamp indicating when the client last queried the event manager for property change information (figure 1 and column 10, lines 40-47). Given the teaching of Inoue, a person having ordinary skill in the ad would have readily recognized the desirability and advantages of modifying the system of Foley by utilizing a timestamp to identify when the client last queried for information. As shown in Inoue column 2, lines 3-18, this benefits the system by allowing for the management system to not have keeping a log of all records that have been sent and simply send those that have changed since the last request.

6.   Regarding claims 2 and 22, Foley-Inoue further teaches the event manager has

a persistence store container identifying each control object of the devices to be

controlled (Foley, column 2, lines 55-59; figure 4).

7.   Regarding claims 3 and 23, Foley-Inoue further teaches each control object in

the persistence store has associated parameters selected from the group consisting of

an identification of the control object, a name of the control object, a location of the

associated device, an exposed properties listing of the associated device, and a

property descriptor (Foley, figure 4).

8.   Regarding claims 4 and 24, Foley-Inoue further teaches the property descriptor

enumerates the exposed properties of the control object (Foley, figure 4).

9.   Regarding claims 5 and 25, Foley-Inoue further teaches the event manager has

a custom container identifying each control object based on locations of each of the

associated plurality of software controllable devices (Foley, column 2, lines 55-59.,

figure 4).

10.   Regarding claims 6 and 26, Foley-Inoue further teaches each property stored in

the event manager has an associated time stamp indicating when the property last

changed value (Foley, column 2, lines 55-59). Note that only changes are sent, so the

time of last update must be known.

11.   Regarding claims 8 and 28, Foley-Inoue further teaches the client subscribes to

at least one controllable property that the client can control and wherein the event

manager associates the controllable property with the client (Foley, column 2, lines 56-

59*, column 3, lines 29-33).

12.   Regarding claims 9 and 19-21, although the system disclosed by Foley shows

substantial features of the claimed invention, it fails to disclose means for (i) receiving a

request from a client for status information regarding at least one property of a device

wherein the request provides the client time stamp indicating when the client last

queried the event manager for property change information', (ii) comparing the client

time stamp with a time stamp corresponding to when the property that the client

requests last changed value; and (iii) if the client time stamp is earlier than the time

stamp corresponding to when the property that the client requests last changed value,

providing the property value information to the client. Nonetheless, these features are

well known in the art and it would have been an obvious modification of the system

disclosed by Foley as evidenced by Inoue. In an analogous art, Inoue discloses a

system for receiving management information on a network with means for (i) receiving

a request from a client for status information regarding at least one property of a device

wherein the request provides the client time stamp indicating when the client last

queried the event manager for property change information', (ii) comparing the client

time stamp with a time stamp corresponding to when the property that the client

requests last changed value', and (iii) if the client time stamp is earlier than the time

stamp corresponding to when the property that the client requests last changed value, providing the property value information to the client (figure 11; column 2, lines 26-38., column 5, line 60 -column 6, line 6., column 10, lines 40-47). Given the teaching of Inoue, a person having ordinary skill in the art would have readily recognized the desirability and advantages of modifying the system of Foley by requiring a client time stamp and delivering only information that has changed since the last query by comparing the client timestamp to the time the data was changed. This benefits the system by allowing for the management system to not have to keep a log of all records that have been sent and simply send those that have changed since the last request.

13.   Regarding claims 11 and 31, Foley-Inoue further teaches the software controllable devices communicate with the event manager via a component object model (COM) (Foley, column 4, lines 3-10).

14.   Regarding claims 12 and 32, Foley-Inoue further teaches the client is not COM enabled (Foley, column 4, lines 3-10).

15.   Regarding claims 13 and 33, Foley-Inoue further teaches the software controllable devices communicate with the event manager via a distributed component object model (DCOM) (Foley, column 4, lines 3-10).

16.   Claims 10 and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable

over Foley-Inoue as applied to claims 1 and 21, respectively, and further in view of

Kumar et al. ("Kumar"), USPN 6,665,731.

17.   Regarding claims 10 and 30, although the system disclosed by Foley-Inoue

shows substantial features of the claimed invention, it fails to disclose means wherein

the client communicates with the event manager via extensible Markup Language

(XML). Nonetheless, these features are well known in the art and it would have been

an obvious modification of the system disclosed by Foley-Inoue, as evidenced by

Kumar. An analogous art, Kumar discloses a system for remotely accessing device

information wherein the client communicates with the event manager via extensible

Markup Language (XML) (Kumar, abstract; column 4, lines 53-60). Given the teaching

of Kumar, a person having ordinary skill in the art would have readily recognized the

desirability and advantages of modifying Foley-Inoue by employing XML in the

communication between the client and the event manager. This benefits the system

because XML is easily expanded to include new devices and data types and can be

viewed and utilized by a client of any platform.

18.   Claims 14 and 34 are rejected under 35 U.S.C. 103(a) as being unpatentable

over Foley-Inoue, as applied to claims 1 and 21, respectively, and further in view of

Humpleman et al. ("Humpleman"), USPN 6,546,419.

19.   Regarding claims 14 and 34, although the system disclosed by Foley-Inoue

shows substantial features of the claimed invention, it fails to disclose specifically

means wherein the devices are selected from the group consisting of electronics,

appliances, furniture, and fixtures. Nonetheless, these features are well known in the art

and it would have been an obvious modification of the system disclosed by Foley-Inoue,

as evidenced by Humpleman. In an analogous art, Humpleman discloses a system for

the remote monitoring and control of devices wherein the devices are selected from the

group consisting of electronics, appliances, furniture, and fixtures (abstract; figure 3).

Given the teaching of Humpleman et al., a person having ordinary skill in the art would

have readily recognized the desirability and advantages of modifying the systems of

Foley-Inoue by monitoring one of the above-mentioned devices. This benefits the

system by allowing a user to monitor home equipment when away from home.

Response to Arguments

20.   Applicant's arguments filed 6/13/05 have been fully considered but they are not

persuasive.

21.   (A) Foley does not disclose each client polls the event manager.

As to point (A), during patent examination and prosecution, claims must be given

their broadest reasonable interpretation. *In re Van Geuns*, 988 F.2d 1181, 1184, 26

USPQ2d 1057, 1059 (Fed. Cir. 1993); *In re Prater*, 415 F.2d 1393, 1404, 162 USPQ

541, 550 (CCPA 1969). Giving the instant claims their broadest reasonable

interpretations, "poll the event manager" is broad enough to read on the client

contacting the broker (even manager) about the managed object disclose in Foley

[Foley, col. 4, lines 20-28]. In determining obviousness, furthermore, references are

read not in isolation but for what they fairly teach in combination with the prior art as a

whole. *Id.* at 1097, 231 USPQ at 380. It is the combination Foley-Inoue rather than Foley alone that discloses the interactions of the client and event manager.

22.   (B) Foley does not disclose an event manager and teaches away from client polling of attribute status.

As to point (B), during patent examination and prosecution, claims must be given their broadest reasonable interpretation. *In re Van Geuns*, 988 F.2d 1181, 1184, 26 USPQ2d 1057, 1059 (Fed. Cir. 1993); *In re Prater*, 415 F.2d 1393, 1404, 162 USPQ 541, 550 (CCPA 1969). Giving the instant claims their broadest reasonable interpretations, "event manager" is broad enough to read on the object broker disclose in Foley [Foley, col. 3, lines 17-51]. It is the combination Foley-Inoue rather than Foley alone that discloses the client polling of attribute status.

23.   (C) No motivation to modify Foley with Inoue.

As to point (C), it is the combination Foley with Inoue rather than Foley alone that discloses the instant claimed invention. Foley does disclose that the client polls the broker to setup attributes. Inoue discloses more in-depth of the polling by the client. Motivation is found in Inoue [Inoue, col. 2, lines 3-18], allowing for the management system to not have keeping a log of all records that have been sent and simply send those that have changed since the last request.

24.   (D) Foley does not disclose that clients can create additional custom containers having pointers to control objects, which correspond to specific control devices in the same location, such as a specific room.

As to point (D), it is noted that the feature upon which applicant relies (i.e., clients can create additional custom containers having pointers to control objects) is not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). Foley does disclose client customizing the request of data from the managed object by location [Foley, col.9, lines 61-67]. During patent examination and prosecution, claims must be given their broadest reasonable interpretation

Conclusion

25.   **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).
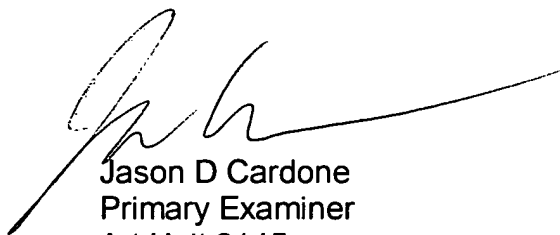
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

26.   Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason D. Cardone whose telephone number is (571) 272-3933. The examiner can normally be reached on Mon.-Thu. (6AM-3PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rupal Dharia can be reached on (571) 272-3880. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Jason D Cardone
Primary Examiner
Art Unit 2145

September 26, 2005